

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

ELBERT L. DULEY,

Plaintiff,

vs.

Civil Action 2:08-CV-751
Judge Sargus
Magistrate Judge King

OHIO DEPT. OF REHAB. & CORR./
BUREAU OF SENTENCE COMPUTATION,

Defendant.

ORDER


Because the Court concluded that an appeal from the judgment entered in this case would not be taken in good faith, *Order*, Doc. No. 40, plaintiff was denied leave to proceed on appeal *in forma pauperis*. *Id.* This matter is now before the Court on plaintiff's motion for reconsideration of that *Order*, Doc. No. 41.

Although plaintiff's motion establishes that plaintiff is financially unable to pay the filing fee in connection with his notice of appeal, 28 U.S.C. §1915(a)(3) prohibits an appeal *in forma pauperis* where the court certifies that the appeal is not taken in good faith. This Court remains convinced that, for the reasons stated in its prior *Order*, Doc. No. 35, an appeal from the judgment entered in this action would not be taken in good faith.

Plaintiff's motion for reconsideration, Doc. No. 41, is therefore **DENIED**.

10-20-2009

Date



Edmund A. Sargus, Jr.
United States District Judge